

REMARKS

This Amendment, submitted in response to the Office Action dated May 3, 2004, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-23 are pending in the application. Claims 1-8, 11-18 and 20-21 have been deemed allowable. Claims 9, 19 and 22-23 have been rejected under 35 U.S.C. § 103 as being unpatentable over Schwartz et al. (U.S.P. 4,658,286) in view of Levine (previously of record). Claim 10 has been rejected under 35 U.S.C. § 103 as being unpatentable over Schwartz in view of Levine and further in view of Harshbarger (previously of record). Applicant submits the following arguments in traversal of the rejections.

Applicant's invention relates to a method to provide image printing. Detailed descriptions of the background and exemplary embodiment are set forth in the October 2, 2003 Amendment at pages 8-9. Similarly, Levine and Harshbarger are described in the October 2 Amendment at page 9. Applicant refers the Examiner to these descriptions. Applicant emphasizes that a feature of the invention is the ability for a print output to take into account variations in a display device that displays an image to be printed. In that connection, the invention includes an object image which is subject to image pick up to provide a reproduced image data, and a reference image that is also subject to image pick up as displayed on a display screen. The invention further provides for estimating a display state of the reproduced image based on the reference image. The print image data, in turn, is provided taking into account the estimated reproduced image.

Turning to the newly cited art, Schwartz relates to correcting distortions of color information due to filter effects in cameras or other reproduction devices. Referring to Fig. 4, an original 72 includes certain test colors $M, \dots M_n$ and is input to a camera 58. The RGB channels of the signal are sent to a color corrector 60 along one path and color separator 66 and reference color generator 68 along another path. The camera is expected to have a distortion R , and the color correction seeks to neutralize the distortive effects to generate an original input signal. Col. 4, lines 13-19. In this regard, a time generator 64 outputs a digital word 70 whenever a specific test color M_n occurs in an input scene 72. Col. 6, lines 3-7. When the test colors 72 have been scanned, the time gate generator 64 provides an output pulse to color correction computer 74 to correct for camera distortive effects. Cols. 6-7, generally.

The Examiner contends that the combination of Schwartz and Levine teaches each feature of independent claim 9. The Examiner correctly concedes that Schwartz fails to teach, in part, print processing and processing associated therewith, and cites Levine to make up for these deficiencies. Applicant submits that the rejection is not warranted for at least the following four reasons.

First, the Examiner's characterization of Schwartz is generally incorrect. The Examiner contends that Schwartz teaches capturing reference images displayed on a screen by the image capture device to produce reference image data. However, the capturing of the initial data (72, $M, \dots M_n$) by a camera 58 was already relied upon for the display of the reference image. The Examiner is relying upon the same capture aspects for two aspects of the claim, which amounts to improper double counting.

Second, claim 9 describes capturing image data displayed on a screen. The camera 58 picks up the image data 72, M . . . Mn from a color chart, for example, and not from a screen.

Third, the combination of Levine and Schwartz does not include all features of claim 9. Specifically, the Examiner continues to isolate the recitations of the claim, when the recitations taken in total require an inter-relatedness between the print image data and the estimated displayed state of the image, which in turn depends on the captured reference image picked up by the image pick up device from a display screen. The mere reproduction in print form, with correction for print artifacts, as disclosed by Levine does not include these aspects of the claims.

Fourth, the combination of Schwartz and Levine continues to have analogous deficiencies as the prior rejections over Levine and Harshbarger. In particular, the dual nature of the reference image data as being determined from a display screen and used for print characteristics are not taught in the art. Claim 9 is patentable for at least these reasons. The remaining claims 10, 19 and 22-23 are patentable based on their dependency.

With further regard to claim 10, Harshbarger does not make up for the deficiencies of the primary combination.

Applicant has added claims 24-25 to describe the invention more particularly.

In view of the above, Applicant submits that claims 1-25 are in condition for allowance. Therefore it is respectfully requested that the subject application be passed to issue at the earliest possible time. The Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/139,330

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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